

### **REMARKS**

In the March 23, 2004 Office Action, claims 1-10 and 12-20 stand rejected in view of prior art. Claims 11 and 21 were indicated as being allowed. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the March 23, 2004 Office Action, Applicant has amended claims 1, 6-8, 12, and 15-18. Thus, claims 1-21 are pending, with claims 1, 11, 12, 15, and 21 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the following comments.

#### ***Rejections - 35 U.S.C. § 112***

On page 2 of the Office Action, claims 1-10 and 12-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. The Office Action specifically asserts that it is not understood what is meant by the language "sealing means having" in claims 1, 12, and 15.

In response, Applicant has amended claims 1, 12, and 15 to further clarify the that the sealing means prevents water from invading the gap between the inner and outer races of the bearing solely by water repellency of the water-repelling film layer. Applicant believes that claims 1, 12, and 15 as amended above satisfy the requirement of 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is respectfully requested.

#### ***Rejections - 35 U.S.C. § 103***

On pages 2-5 of the Office Action, claims 1-10 and 12-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,615,841 to Saito ("Saito patent") in view of U.S. Patent No. 6,164,577 to Koike ("Koike patent"). In response, Applicant believes that the combination of the Saito patent and the Koike patent is improper. Applicants have, however, amended claims 1, 12, and 15 as presented above. Applicant believes that the Saito patent and the Koike patent do not disclose or suggest the arrangement of claims 1, 12, and 15 as amended above, whether singularly or in combination.

More specifically, Applicant believes that it would not occur to a person of ordinary skill in the art to combine the teachings of the Saito patent and the Koike patent to arrive at the arrangement of the present invention. The Office Action asserts that it would have been obvious to apply the weather resistant film layer of the Koike patent to the gap between the

collar 12 and the stop plate 14 of the Sato patent. However, the collar 12 and the stop plate 14 of the Saito patent are provided clearly for the purpose of preventing the inner and outer races of the unnumbered bearing from moving in the axial direction. There is no teaching or suggestion that invasion of water in the bearing should be prevented with the collar 12 and the stop plate 14. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does **not** make the modification obvious, unless the prior art **suggests** the desirability of the modification. Since the prior art of record lacks any suggestion or expectation of success for combining the Saito patent and the Koike patent to create the Applicant's unique arrangement, Applicant believes that it would not have occurred to an person of ordinary skill in the art to combine the Saito patent and the Koike patent to create the arrangement of claims 1, 12, and 15.

Even assuming **arguendo** that the combination of the Saito patent and the Koike patent is proper, Applicant still believes that the arrangement of claims 1, 12, and 15 as amended above are not anticipated or rendered obvious by the Saito patent and the Koike patent. More specifically, claims 1, 12, and 15 have been amended to recite that the micro clearance defined between the first and second components is smaller than a gap between the inner and outer races of the bearing. This limitation is supported by Figures 4, 6, 7, and 10 as originally filed.

Applicant believes that this arrangement of claims 1, 12, and 15 as amended above is **not** disclosed or rendered obvious by the prior art of record. More specifically, as clearly seen in Figures 1, 2, 4, and 6-9 of the Saito patent, the radial gap between the collar 12 and the stop plate 14 is **not** smaller than the gap between the inner and outer races of the bearing of the Saito patent. Also, since there is no suggestion that the gap between the inner and outer races of the bearing should be sealed with the collar 12 and the stop plate 14 in the Saito patent, there is no suggestion that the gap between the collar 12 and the stop plate 14 be made any smaller than the gap between the inner and outer races of the bearing. Therefore, there is no disclosure or suggestion in the Saito patent that the micro clearance should be smaller than the gap between the inner and outer races of the bearing as required by claims 1, 12, and 15. Thus, the Saito patent does not disclose or suggest the arrangement of claims 1, 12, and 15 as currently amended.

The Koike patent has been cited in the Office Action to show its weather resistant film. Clearly, the Koike patent does not disclose or suggest a micro clearance that is

narrower than a gap between inner and outer races of a bearing. Thus, the Koike patent does not cure the deficiency of the Saito patent. Accordingly, Applicant believes that the Saito patent and the Koike patent do not disclose or suggest the arrangement of claims 1, 12, and 15, whether taken singularly or in combination.

With regard to claims 2-10, 13-14 and 16-20, they depend from claims 1, 12 and 15, and therefore are narrower. Since Applicant believes that claims 1, 12 and 15 as currently amended are not disclosed or suggested by the Sato patent and the Koike patent, Applicant believes that dependent claims 2-10, 13-14 and 16-20 cannot be disclosed or suggested by the prior art record.

In view of the above comments, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

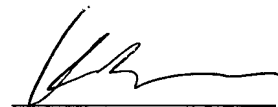
***Allowed Claims 11, 21***

On page 5 of the Office Action, claims 11 and 21 were indicated as being allowed. Applicant wishes to thank the Examiner for this indication of allowance.

\* \* \*

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-21 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



Kiyoe K. Kabashima  
Reg. No. 54,874

SHINJYU GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444

Dated: June 23, 2004

G:\06-JUN04-MT\SN-US010023 Amendment.doc